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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

ALEXEY STEPANOV,)	No. C07-2492 RS
)	
Plaintiff,)	
)	
v.)	NOTICE OF MOTION AND
)	DEFENDANTS' CROSS MOTION FOR
)	SUMMARY JUDGMENT
MICHAEL CHERTOFF, Secretary,)	
Department of Homeland Security; PETER)	
D. KEISLER, United States Attorney)	Date: October 24, 2007
General; EMILIO T. GONZALEZ, Director,)	Time: 9:30 a.m.
U.S. Citizenship and Immigration Services;)	Courtroom: 4, 5th Floor
F. GERARD HEINAUER, Director,)	
Nebraska Service Center, U.S. Citizenship)	
and Immigration Services; and ROBERT S.)	
MUELLER, III, Director, Federal Bureau of)	
Investigation,)	
)	
Defendants.)	

PLEASE TAKE NOTICE THAT on October 24, 2007, at 9:30 a.m., before the Honorable Richard Seeborg, Courtroom No. 4, 280 South First Street, San Jose, California 95113, Defendants Michael Chertoff, Secretary of the Department of Homeland Security, et al., by their attorneys, Scott N. Schools, United States Attorney for the Northern District of California, and Melanie L. Proctor, Assistant United States Attorney, will move this Court for an order granting summary judgment to Defendants on Plaintiff's Complaint for a Writ of Mandamus pursuant to Federal Rule of Civil Procedure 56.

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
 No. C07-2492 RS

1 Defendants' Motion is based on this notice, the points and authorities in support of this
2 motion, the declarations of F. Gerard Heinauer and Michael Cannon in support of this motion, the
3 pleadings on file in this matter, and on such oral argument as the Court may permit.

4 Dated: September 19, 2007

Respectfully submitted,

5 SCOTT N. SCHOOLS
6 United States Attorney

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8 /S/
9 MELANIE L. PROCTOR
Assistant United States Attorney
Attorney for Defendants